

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2098

Introduced by Assembly Member Jones

February 23, 2012

An act to amend Section 2006 of the Streets and Highways Code, relating to county roads, 12509 of, and to add Section 12814.9 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2098, as amended, Jones. ~~County road commissioners. Driver's licenses: requirements.~~

(1) Existing law authorizes the Department of Motor Vehicles, for good cause, to issue an instruction permit. Existing law, the Brady-Jared Teen Driver Safety Act of 1997 allows for the issuance of a driver's license to an applicant who is at least 16 years of age but less than 18 years of age pursuant to the provisional licensing program. The provisional licensing program requires completion of at least 1 of 5 education and training or examination components and imposes during restrictions on the licensee applicable during the first 12 months after issuance of the provisional license. A violation of the Vehicle Code is a crime.

This bill would prohibit the department from issuing a driver's license to a person who is 18 or 19 years of age unless the person meets the requirements may similar to those established under the provisional licensing program, but which would not include driving restrictions.

The bill would impose a state-mandated local program by creating new crimes.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for the appointment of a road commissioner in each county by the board of supervisors, with specified powers and duties relating to county roads. Existing law provides for exceptions to this requirement in cases in which the duties of the road commissioner have been transferred by the board of supervisors to the county director of transportation or another authorized person.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12509 of the Vehicle Code is amended to
2 read:

3 12509. (a) Except as otherwise provided in subdivision (f) of
4 Section 12514, the department, for good cause, may issue an
5 instruction permit to a physically and mentally qualified person
6 who meets one of the following requirements and who applies to
7 the department for an instruction permit:

8 (1) Is 15 years and 6 months of age or older, and has successfully
9 completed approved courses in automobile driver education and
10 driver training as provided in paragraph (3) of subdivision (a) of
11 Section 12814.6.

12 (2) Is 15 years and 6 months of age or older, and has successfully
13 completed an approved course in automobile driver education and
14 is taking driver training as provided in paragraph (3) of subdivision
15 (a) of Section 12814.6.

16 (3) Is 15 years and 6 months of age and enrolled and
17 participating in an integrated automobile driver education and
18 training program as provided in subparagraph (B) of paragraph
19 (3) of subdivision (a) of Section 12814.6.

20 (4) Is over 16 years of age and is applying for a restricted
21 driver's license pursuant to Section 12814.7.

22 (5) Is over 17 years and 6 months of age.

1 (6) *Is over 17 years and 6 months of age and is applying for a*
2 *driver's license pursuant to Section 12814.9.*

3 (b) The applicant shall qualify for, and be issued, an instruction
4 permit within 12 months from the date of the application.

5 (c) An instruction permit issued pursuant to subdivision (a) shall
6 entitle the applicant to operate a vehicle, subject to the limitations
7 imposed by this section and any other provisions of law, upon the
8 highways for a period not exceeding 24 months from the date of
9 the application.

10 (d) Except as provided in Section 12814.6, a person, while
11 having in his or her immediate possession a valid permit issued
12 pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), may
13 operate a motor vehicle, other than a motorcycle, motorized
14 scooter, or a motorized bicycle, when accompanied by, and under
15 the immediate supervision of, a California-licensed driver with a
16 valid license of the appropriate class who is 18 years of age or
17 over and whose driving privilege is not subject to probation. An
18 accompanying licensed driver at all times shall occupy a position
19 within the driver's compartment that would enable the
20 accompanying licensed driver to assist the person in controlling
21 the vehicle as may be necessary to avoid a collision and to provide
22 immediate guidance in the safe operation of the vehicle.

23 (e) A person, while having in his or her immediate possession
24 a valid permit issued pursuant to paragraph (4) of subdivision (a),
25 may only operate a government-owned motor vehicle, other than
26 a motorcycle, motorized scooter, or a motorized bicycle, when
27 taking driver training instruction administered by the California
28 National Guard.

29 (f) The department may also issue an instruction permit to a
30 person who has been issued a valid driver's license to authorize
31 the person to obtain driver training instruction and to practice that
32 instruction in order to obtain another class of driver's license or
33 an endorsement.

34 (g) The department may further restrict permits issued under
35 subdivision (a) as it may determine to be appropriate to ensure the
36 safe operation of a motor vehicle by the permittee.

37 *SEC. 2. Section 12814.9 is added to the Vehicle Code, to read:*
38 *12814.9. (a) The department shall not issue a driver's license*
39 *to a person who is 18 or 19 years of age unless the person meets*
40 *the requirements specified in subdivisions (b), (c), and (d).*

1 (b) *The person shall have held an instruction permit for not less*
2 *than six months prior to applying for the driver's license. The*
3 *department shall issue the instruction permit upon satisfactory*
4 *completion of a written examination.*

5 (c) *The person shall have complied with one of the following:*

6 (1) *Satisfactory completion of an approved course in automobile*
7 *driver education and driver training maintained pursuant to*
8 *provisions of the Education Code in any secondary school of*
9 *California, or equivalent instruction in a secondary school of*
10 *another state.*

11 (2) *Satisfactory completion of an integrated driver education*
12 *and training program that is approved by the department and*
13 *conducted by a driving instructor licensed under Chapter 1*
14 *(commencing with Section 11100) of Division 5. The program*
15 *shall utilize segmented modules, whereby a portion of the*
16 *educational instruction is provided by, and then reinforced through,*
17 *specific behind-the-wheel training before moving to the next phase*
18 *of driver education and training. The program shall contain a*
19 *minimum of 30 hours of classroom instruction and six hours of*
20 *behind-the-wheel training.*

21 (3) *Satisfactory completion of six hours or more of*
22 *behind-the-wheel instruction by a driving school or an independent*
23 *driving instructor licensed under Chapter 1 (commencing with*
24 *Section 11100) of Division 5, and satisfactory completion of one*
25 *of the following:*

26 (A) *An accredited course in automobile driver education in any*
27 *secondary school of California pursuant to provisions of the*
28 *Education Code.*

29 (B) *Professional instruction that is equivalent to subparagraph*
30 *(A) and is acceptable to the department. To be acceptable to the*
31 *department, the professional instruction provided pursuant to this*
32 *subparagraph shall meet minimum standards that may be*
33 *prescribed by the department, and the standards shall be at least*
34 *equal to the requirements for driver education and driver training*
35 *contained in the rules and regulations adopted by the State Board*
36 *of Education pursuant to the Education Code.*

37 (d) *The person shall successfully complete a driving test, as*
38 *required by the department.*

1 (e) Except as provided under paragraph (2) of subdivision (c),
2 a student may not take driver training instruction, unless he or she
3 has successfully completed driver education.

4 (f) A person who has complied with subdivision (c) shall not be
5 required by the governing board of a school district to comply
6 with paragraph (1) of subdivision (c) in order to graduate from
7 high school.

8 (g) (1) Notwithstanding any other provision of this code, the
9 department may issue a distinctive driver's license that displays
10 a distinctive color or a distinctively colored stripe or other
11 distinguishing characteristic, to a person who is 18 or 19 years
12 of age.

13 (2) If changes in the format or appearance of driver's licenses
14 are adopted pursuant to this subdivision, those changes may be
15 implemented under any new contract for the production of driver's
16 licenses entered into after the adoption of those changes.

17 (h) Before retaking an examination or test required by this
18 section, the person shall wait for not less than one week after
19 failure of the written test and for not less than two weeks after
20 failure of the driving test.

21 SEC. 3. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

30 ~~SECTION 1. Section 2006 of the Streets and Highways Code~~
31 ~~is amended to read:~~

32 ~~2006. (a) Except as otherwise provided in this chapter, the~~
33 ~~board of supervisors of each county shall appoint a single road~~
34 ~~commissioner for all road districts in the county. Every person~~
35 ~~who is appointed road commissioner after December 31, 1965,~~
36 ~~shall be a registered civil engineer. However, the City and County~~
37 ~~of San Francisco may appoint a person road commissioner who is~~
38 ~~not a registered civil engineer. Any person appointed road~~
39 ~~commissioner on or before December 31, 1965, need not be a~~
40 ~~registered civil engineer if he or she is approved by the board of~~

1 ~~supervisors as qualified and competent to handle the road and~~
2 ~~highway work of the county. Any person who is a road~~
3 ~~commissioner in any county on December 31, 1965, need not be~~
4 ~~a registered civil engineer to be appointed road commissioner of~~
5 ~~another county after December 31, 1965. After October 1, 1952,~~
6 ~~no person shall be appointed road commissioner until the board~~
7 ~~of supervisors holds a public hearing on the qualifications of the~~
8 ~~candidate or candidates for the position of road commissioner. At~~
9 ~~least 14 days but not more than 30 days prior to the hearing, notice~~
10 ~~of the hearing shall be posted at the county courthouse and~~
11 ~~published at least once in a newspaper of general circulation in~~
12 ~~the county. Nothing in this section precludes one person from~~
13 ~~serving two or more counties. An elective county official shall not~~
14 ~~be appointed road commissioner after October 1, 1952, unless the~~
15 ~~official is holding the position of road commissioner on that date.~~
16 ~~The road commissioner is, at all times, under the direction and~~
17 ~~supervision of the board of supervisors but may be dismissed, after~~
18 ~~a hearing, only upon a majority vote of the board. This subdivision~~
19 ~~does not apply in chartered counties whose charter requires the~~
20 ~~county surveyor to perform the duties of, or exercise the powers~~
21 ~~conferred by law on, the road commissioner.~~

22 ~~(b) Each county shall furnish evidence to the Controller that it~~
23 ~~has complied with this section.~~

24 ~~(c) Neither the Controller nor any other state officer shall make~~
25 ~~any allocations or payments to any county from the Highway Users~~
26 ~~Tax Account in the Transportation Tax Fund until the county has~~
27 ~~complied with the requirements of this section; except that, if a~~
28 ~~vacancy occurs in the office of road commissioner of a county,~~
29 ~~the allocations or payments to the county shall not be suspended~~
30 ~~pursuant to this section unless the county has not appointed a new~~
31 ~~road commissioner in accordance with this section within 180 days~~
32 ~~from the date the vacancy first occurred.~~

33 ~~(d) The 180-day time limit is contingent on the condition that~~
34 ~~there be a qualified acting road commissioner functioning during~~
35 ~~the interim period under direct appointment by the board of~~
36 ~~supervisors.~~